

**Table 13. Proposed Vermont Nutrient Criteria Decision Framework.**

Assessment and Listing Decision	Discharge Permitting Decision
<b>A. Phosphorus concentration less than or equal to criterion. All nutrient response conditions met.</b>	
<p><b>Not impaired by nutrients.</b> Rotational basin monitoring on an approximate five-year schedule will be conducted.</p>	<p>If a new or increased discharge is proposed, the permit will limit the phosphorus concentration increase according to the anti-degradation policy. No new or increased phosphorus discharge would be permitted that would cause the phosphorus concentration to be greater than the criterion. If a current discharge has reasonable potential<sup>1</sup> to produce a phosphorus concentration above the criterion value, then annual monitoring will be conducted at the site for phosphorus concentration and all nutrient response conditions. If response conditions are worsening or indicate a likelihood that an impairment will develop, more stringent permit limits will be applied in order to prevent the impairment.</p>
<b>B. Phosphorus concentration greater than criterion. All nutrient response conditions met.*</b>	
<p><b>Not impaired by nutrients.</b> Annual monitoring will be conducted for phosphorus concentration and all nutrient response conditions at sites affected by permitted discharges. Rotational basin monitoring on an approximate five-year schedule will be conducted at other sites.</p>	<p>If a new or increased discharge is proposed, the permit will limit the effluent phosphorus concentrations and loads to the existing amounts or less. If response conditions are worsening or indicate a likelihood that an impairment will develop, more stringent permit limits will be applied in order to prevent the impairment.</p>
<b>C. Phosphorus concentration less than or equal to criterion. Not all nutrient response conditions met.</b>	
<p><b>Impaired, but not necessarily by nutrients.</b> Site will be studied to determine the cause of impairment. If found to be impaired by nutrients, an alternate (lower), site-specific nutrient criterion may need to be established for permitting purposes.</p>	<p>If the site is determined not to be impaired by nutrients but a new or increased discharge is proposed, the permit will limit the nutrient increase according to the anti-degradation policy. In no case will amounts be permitted that would cause the phosphorus concentration criterion to be exceeded. If the site is determined to be impaired by nutrients, then more stringent permit limits will be applied in order to correct the impairment.</p>
<b>D. Phosphorus concentration greater than criterion. Not all nutrient response conditions met.</b>	
<p><b>Impaired by nutrients.</b> Annual monitoring will be conducted for phosphorus concentration and all nutrient response conditions at sites affected by permitted discharges.</p>	<p>More stringent permit limits will be applied in order to correct the impairment. A Total Maximum Daily Load (TMDL) designed to achieve the phosphorus concentration criterion may be required.</p>

\* If data are unavailable for any applicable response condition, then the waterbody would be assessed as impaired by nutrients, pending further data collection.

---

<sup>1</sup> Vermont DEC. 2012. Procedure for the development of water quality based effluent limits in NPDES permits. Montpelier, VT.

DRAFT